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Attorneys for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SHYRIAA HENDERSON, on behalf
of herself and all others similarly
situated,

Plaintiff,

vs.

UNITED STUDENT AID FUNDS,
INC. D/B/A USA FUNDS,

Defendant.

CASE NO. 3:13-cv-1845-JLS-BLM
CLASS ACTION

**PLAINTIFF'S RENEWED MOTION
FOR CLASS CERTIFICATION**

Hearing date: July 7, 2016
Time: 1:30 p.m.
Courtroom: 4A – 4th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 17, 2016 at 1:30 p.m., or as soon thereafter, in Courtroom 4A before the Honorable Janis L. Sammartino of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, CA 92101, Plaintiff Shyriaa Henderson will, and hereby does, move this Court pursuant to Federal Rule of Civil Procedure 23 for an Order certification Plaintiff's proposed class.

The basis for Plaintiff's Motion for Class Certification is that all of the standards for certification in Federal Rule of Civil Procedure 23(a) and (b)(3) have been satisfied. With respect to the former, Rule 23(a)(1)'s numerosity requirement is satisfied because Plaintiff has identified a Class consisting of millions of individual members. Rule 23(a)(2)'s commonality requirement is satisfied because whether the Class may recover turns on questions of law and fact common to the Class, including whether Defendant can be held liable under the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"), whether Defendant's calls to Plaintiff and the Class were made using an automatic telephone dialing system, whether those calls were made to cellular telephones, whether Plaintiff and the Class consented to the calls, whether Defendant is vicariously liable for the calls placed by its Collectors, and whether Plaintiff's claims are unique.

Rule 23(a)(3)'s typicality requirement and Rule 23(a)(4)'s adequacy requirement are also satisfied. Plaintiff's claims are typical of the other members of the Class inasmuch as she and the Class members each received the same unauthorized debt collection phone calls. And, Plaintiff and her counsel, Benjamin H. Richman of Edelson PC and Ronald A. Marron of the Law Office of Ronald A. Marron, will fairly and adequately protect the Class's interests. Plaintiff has no interests antagonistic to those of the Class and her counsel have extensive experience litigating similar consumer class actions involving the TCPA.

Finally, in satisfaction of the Rule 23(b)(3)'s predominance and superiority

requirements, the questions of law and fact common to the Class predominate over any questions that may affect members of the Class on an individual basis, and the class action mechanism is superior to any other available method to reach a fair and efficient adjudication of the controversy at issue.

Plaintiff's Motion is based on this Notice of Motion and Motion for Class Certification, the Memorandum of Points and Authorities file concurrently herewith, the Declarations of Ronald A. Marron, Benjamin H. Richman, Plaintiff Shyriaa Henderson and Expert Jeffrey A. Hansen filed concurrently herewith, the pleadings and other papers on file in this matter, discovery produced to date, including all expert reports, upon any evidence or argument that may be presented at or before the hearing on this Motion, and on any additional material that may be elicited at the hearing of this motion.

Date: May 4, 2016

SHYRIA A HENDERSON, individually
and on behalf of all others similarly situated,

By: s/ Ronald A. Marron

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